

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. **:** **DATE FILED:** _____

PRESTON GREER **:** **VIOLATIONS:**

: **18 U.S.C. § 371 (conspiracy to make**

: **false statements to a federal firearms**

: **dealer - 1 count)**

: **18 U.S.C. § 924(a)(1)(A) (false statements**

: **to a federal firearms dealer - 4 counts)**

: **Notice of additional factors**

COUNT ONE

At all times material to this indictment:

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) govern the manner in which an FFL holder may sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473. Part of the ATF Form 4473 requires that the prospective purchaser certify truthfully, subject to

penalties of perjury, that he or she is the actual buyer of the firearm. The ATF Form 4473 contains language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law.”

4. FFL holders are required to maintain a record, in the form of a completed ATF Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

5. A person who falsely completes ATF Form 4473 and falsely states that he or she is buying a firearm for himself or herself when he or she is intending to purchase a firearm for another person is a “straw purchaser.”

6. From on or about April 24, 2004 through on or about June 19, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

PRESTON GREER

conspired and agreed with Person # 1, known to the grand jury, and others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, specifically, the identity of the actual buyer of firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

7. Defendant PRESTON GREER agreed to purchase five firearms for Person # 1, an individual known to the grand jury, by falsely representing to C&C that he, rather than Person # 1, was the actual buyer of the firearms.

8. Person # 1 told defendant PRESTON GREER the specific make and model of the firearms he wanted defendant GREER to purchase for him.

9. Person # 1 provided defendant PRESTON GREER with cash to pay C&C for the firearms defendant GREER purchased for him.

10. At the direction of Person # 1, defendant PRESTON GREER purchased a total of four firearms from C&C, in two separate transactions, after completing the required ATF Form 4473 (Firearms Transaction Record) forms and falsely representing that he was the actual buyer of the firearms.

11. After purchasing the firearms, defendant PRESTON GREER delivered the purchased firearms to Person # 1.

12. Defendant PRESTON GREER received money from Person #1 in return for purchasing firearms for him.

OVERT ACTS

In furtherance of the conspiracy, defendant PRESTON GREER and Person #1, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The April 24, 2004 Straw Purchase of One Semiautomatic Handgun

1. Person # 1 gave defendant PRESTON GREER cash and instructions to purchase a firearm, specifically one Hi-Point Model JHP .45 caliber semiautomatic pistol.
2. Person # 1 and defendant PRESTON GREER drove together to C&C, where defendant GREER entered C&C to purchase the firearm requested by Person # 1.
3. Defendant PRESTON GREER completed an ATF 4473 form in which he falsely represented that he was the actual buyer of the firearm.
4. Defendant PRESTON GREER then paid cash and purchased a Hi-Point, Model JHP .45 caliber semiautomatic pistol, serial number X408207.
5. After leaving C&C, defendant PRESTON GREER gave Person #1 the firearm that he had just purchased for him, that is, the Hi-Point, Model JHP .45 caliber semiautomatic pistol, serial number X408207.

The May 13, 2004 Straw Purchase of One Semiautomatic Handgun

1. Person # 1 gave defendant PRESTON GREER cash and instructions to purchase a firearm, specifically one Smith and Wesson, Model 40 VE .40 caliber pistol.
2. Person # 1 and defendant PRESTON GREER drove together to C&C, where defendant GREER entered C&C to purchase the firearm requested by Person # 1.
3. Defendant PRESTON GREER completed an ATF 4473 form in which he falsely represented that he was the actual buyer of the firearm.

4. Defendant PRESTON GREER then paid cash and purchased one Smith and Wesson, Model 40 VE .40 caliber pistol, serial number PBN6932.

5. After leaving C&C, defendant PRESTON GREER gave Person #1 the firearm that he had just purchased for him, that is, the Smith and Wesson, Model 40 VE .40 caliber pistol, serial number PBN6932.

The May 14, 2004 Straw Purchase of one Semiautomatic Handgun

1. Person # 1 gave defendant PRESTON GREER cash and instructions to purchase a firearm, specifically one Hi Point, Model JCP .40 caliber semiautomatic pistol.

2. Person # 1 and defendant PRESTON GREER drove together to C&C, where defendant GREER entered C&C to purchase the firearm requested by Person # 1

3. Defendant PRESTON GREER completed an ATF 4473 form in which he falsely represented that he was the actual buyer of the firearm.

4. Defendant PRESTON GREER then paid cash and purchased one Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X710608.

5. After leaving C&C, defendant PRESTON GREER gave Person #1 the firearm that he had just purchased for him, that is, the Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X710608.

The May 19, 2004 Straw Purchase of one Semiautomatic Handgun

1. Person # 1 gave defendant PRESTON GREER cash and instructions to purchase a firearm, specifically one Hi-Point, Model C9 .9mm semiautomatic pistol.

2. Person # 1 and defendant PRESTON GREER drove together to C&C, where defendant GREER entered C&C to purchase the firearm requested by Person # 1.

3. Defendant PRESTON GREER completed an ATF 4473 form in which he falsely represented that he was the actual buyer of the firearm.

4. Defendant PRESTON GREER then paid cash and purchased one Hi Point, Model C9 .9mm semiautomatic pistol, serial number P1205756.

5. After leaving C&C, defendant PRESTON GREER gave Person #1 the firearm that he had just purchased for him, that is, the Hi Point, Model C9 .9mm semiautomatic pistol, serial number P1205756.

The June 19, 2004 Straw Purchase of two Semiautomatic Handguns

1. Person # 1 gave defendant PRESTON GREER cash and instructions to purchase two firearms, specifically one Hi-Point, Model CP .9mm semiautomatic pistol and one Sturm Ruger, Model P 93 .9mm semiautomatic pistol.

2. Person # 1 and defendant PRESTON GREER drove together to C&C, where defendant GREER entered C&C to purchase the firearms requested by Person #1.

3. Defendant PRESTON GREER completed an ATF 4473 form in which he falsely represented that he was the actual buyer of the firearms.

4. Defendant PRESTON GREER then paid cash and purchased one Hi-Point, Model CP .9mm semiautomatic pistol, serial number P1208799 and one Sturm Ruger, Model P 93 .9mm semiautomatic pistol, serial number 306-21959.

5. After leaving C&C, defendant PRESTON GREER gave Person #1 the firearms that he had just purchased for him, that is, the Hi- Point, Model CP .9mm semiautomatic

pistol, serial number P1208799 and the Sturm Ruger, Model P 93 .9mm semiautomatic pistol, serial number 306-21959.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about the dates listed below, in the Eastern District of Pennsylvania,
defendant

PRESTON GREER,

in connection with the acquisition of the firearms listed below, from C&C, an FFL holder, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant GREER certified on the ATF Form 4473, Firearms Transaction Record, that he was the actual buyer of the firearms listed below, when, in fact, as defendant GREER well knew, his statements and representations were false and fictitious:

Count	Date	Location	Firearm	Serial Number
2	4/24/04	C&C Sports Center 101 Geiger Road Philadelphia, PA	Hi-Point "Model JHP " .45 caliber pistol	X408207
3	5/13/04	C&C Sports Center 101 Geiger Road Philadelphia, PA	Smith and Wesson "Model 40 VE" .40 caliber pistol	PBN6932
4	5/14/04	C&C Sports Center 101 Geiger Road Philadelphia, PA	Hi-Point "Model JCP " .40 caliber pistol	X710608
5	6/19/04	C&C Sports Center 101 Geiger Road Philadelphia, PA	Hi-Point "Model CP " .9mm pistol	P1208799
6	6/19/04	C&C Sports Center 101 Geiger Road Philadelphia, PA	Sturm Ruger "Model P 93" .9mm pistol	306-21959

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant PRESTON GREER:

a. Committed an offense involving five firearms, as described in
U.S.S.G. § 2K2.1(b)(4).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney